THE TRUE USE OF A Stanch Church-Jury,

Practically explain'd by

An Eminent Attorney at Law:

For which he is now under Confinement by Order of the High Court of CHANCERY.

In Answer to a Letter from a Friend.

LONDON;

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The LETTER.

SIR,

AMONGST us in the Country, it is confidently reported, that Mr. Robert South, *at present under a Judicial Confinement, suffers on account of his Zeal for the* Church. *'Tis allow'd, the Man might be guilty of some inadvertent Words; but to commit him for Indiscretion, is a thing not to be endur'd: for (say they) every one of us may let slip incautious Expressions, when our Passions are touch'd; and who is there amongst us so* cold *as not to be* warm'd *at the name of the* Church? *The Parson (who never was in* such cases *an* Infidel) *is amongst the warmest Believers of the Prisoner's Innocence, and prays for him* as for a Man under Persecution, *almost as fervently too, as for a late* impeach'd Brother. *But these, I confess, are lengths I cannot attain; for tho my Concern for the Church, and Affection for her Clergy, are as steddy as ever, yet when I consider that the Sufferer is an* Attorney, *and has been an* Under-Sheriff, *I suspect there's a better Reason for his Commitment than his being a Churchman, and that at last he'll prove but a* Mock-Martyr.——*Be pleas'd to make a full and curious Inquiry into this Business, and transmit an account to,* &c.

An

An Anſwer to the Letter.

SIR,

IN obedience to your Commands, I have ſent you a Copy of one of the Atteſtations upon which Mr. *South*'s Commitment was grounded; which is as follows.

'*GEorge Thomas* Gent. maketh Oath, That he 'this Deponent did this day ſee a Letter ſign'd '*Robert South*, and directed to Mr. *Robert Reynolds*, 'Under-Sheriff of *Northamptonſhire*, at the *Bell-Savage* on *Ludgate-Hill*, and dated the ninth day 'of *February* inſtant, with a Copy of a *Jury* in this 'Cauſe written on the back of the ſaid Letter; 'which ſaid Letter is in the words following, *viz.* '*Couſin* Reynolds, *I have a Cauſe of my own the next 'Aſſizes, jointly with Mrs.* Butler *and Mrs.* Wood-ford, *with one* Sheppard *a Rank Whig: It's an Iſſue directed out of Chancery. I would beg of you to return this Jury* honeſt ſtanch Churchmen; *and for your Civility I will give you a* Guinea *for the Return of the* † Venire Facias. *Pray keep this ſecret; and if you will oblige me herein, you ſhall command me any thing within my power. I have order'd my Agent to wait on you with a Copy of the ſame, leſt this ſhould miſcarry. Pray favour me with your Anſwer next Poſt. I am, Sir, your Kinſman and Servant*, Rob. South.

† *The Writ that ſummons the Jury.*

'And this Deponent further ſaith, that the ſaid 'Letter, with the Copy of the ſaid Jury, are all 'the proper Hand-writing of the ſaid *Robert South*, 'as this Deponent verily believes, with whoſe Hand-writing this Deponent is acquainted.

Jurat 24 die Febr. 1709. *George Thomas.*
coram S. Keck.

Thus, Sir, you perceive what cauſe we have to lament the Condition of the *Church*, when its ſacred Name is proſtituted to ſuch vile purpoſes. You ſee that a Verdict *either way* was to rule the Conſcience of the Court of Equity, and that it highly imported Mr. *South* to gain one in favour of himſelf. To this end (you obſerve) he writes to the Sheriff, and minds him at the head of his Letter, that he is his *Couſin*, and that *it was a Cauſe of his own*: He adds, that the Sheriff *ſhould* (in return) *at any time command him what was in his power*; or in plain *Engliſh*, that he would do *his Couſin* as good a turn another time: and binds all with the ſeldom-failing Temptation of Gold. But for fear the Sheriff's Conſcience ſhould ſtand firm againſt the Byaſs of *Relation*, the Expectation of *promis'd Benefits*, and the more moving Engagements of *preſent Money*; he tells him further, that 'twas to ſerve an honeſt Kinſman againſt a *Rank Whig*; or in other words, *the Church* againſt *Fanaticiſm*. Here he takes his ſtand, and concludes, when the *Ark* is brought forth, Conqueſt muſt of courſe attend it.

But it may be ask'd, Who were to do this Drudgery? A Stranger, no doubt, would anſwer readily [*A Pack of Raſcals out of* Bridewell *or* Newgate] No! They were to be nothing leſs than *honeſt ſtanch* experienc'd *Churchmen*: for a *ſtanch Churchman*, like *Hudibras's Saint* of 41, ought only to be try'd by his *Peers*.

But ſtill, how if the Sheriff ſhou'dn't know a competent Set of ſuch as were *Churchmen enough* for the purpoſe? This Mr. *South* thought of too; and for that reaſon ſends a Pannel of ſuch as had not a *Falſe Brother* amongſt them, ſuch as he concluded had ſo much Zeal for a *ſtanch Churchman*, as to go thorow-ſtitch, and give a Verdict right or wrong againſt a *Rank Whig*, for whoſe profane Eyes theſe were *Myſterys* too Sacred; *Jewels* only fit for the *Cabinet* of a *Churchman*, and therefore the Letter was *order'd to be kept ſecret*.

Time

Time was (you may judg) when theſe *honeſt ſtanch Churchmen* ſtood by Mr. *South* upon theſe and other occaſions, while he was in Office himſelf, and had the Power of the Pannel; *All good and true Men*, and try'd too, or elſe they had never been pick'd out to paſs *on a Cauſe of his own.* He knew they'd ſit as hard on a *Rank Whig*, as a City Jury *on a Rank Whoremaſter*: which brings to my mind the Excuſe Mr. *South* makes for himſelf, *an Excuſe* in its nature ſo remarkable, that 'tis fit you ſhould have it in his own Expreſſions.

'*Robert South* maketh Oath, That he has been ſo 'ill for nine Weeks paſt, that he has not been 'able to get a horſeback, or to travel in a Coach, 'which hinder'd this Deponent from coming to '*London* the laſt Term; and that he ſtill continues 'ill with a Defluxion of Humours fallen into his 'Cods, which yet are ſwell'd, and ſo tender, that 'this Deponent cannot go up and down without 'much pain: and that he hath purg'd with *Daffy's* '*Elixir* three or four days a week for theſe nine 'weeks paſt, and bought the ſame of Mrs. *Tyler* of '*Northampton*, and was advis'd thereto by one Mr. '*Thomas Palmer* a Clergyman of *Exton*, ſome miles 'from *Northampton*, where this Deponent lives; 'who gives Directions to his Friends at their re-'queſt, which is the reaſon this Deponent did not 'make uſe of an Apothecary. And this Deponent 'is advis'd to purge much longer, and verily be-'lieves that ſhould he now be forc'd to take a Jour-'ney to *London*, it would endanger the Deponent's 'Life."

Jurat apud Northamton 4 Martii *Robert South.*
1709. *coram* Will. Elſe.

Sir, I need only tell you, that Mr. *South*'s Preſence in Court was unneceſſary, and his *Defence* (if he had any

any to make) might as well have been ſent up, as his *Excuſe*; and no doubt, ſo good an *Attorney* would have choſen that Method, rather than take the pains to prove,

1. That his Diſtemper was an innocent *Defluxion of Humours on his Cods*, and no Pox.

2. That the Doctors, Apothecarys, and Surgeons in the Neighbourhood, were not Churchmen enough to be rely'd on either for *Cure or Secrecy*.

3. That therefore no body ſo fit as an experienc'd *Parſon* for a *Doctor*, and a skilful Dame for an Apothecary.

4. That this medly *Doctor* was an uncommon one, as being a *liberal Clergyman*, who gave his *Advice* to his *Friends* for nothing: And leſt you ſhould ſuſpect there was no ſuch Man in nature, he tells you where he may be *ſpoke* with by *others* on the like occaſions —— for Money.

5. For fear the Court ſhould think the Attorney is us'd to lying, he *cunningly* calls on his Apothecary to back his Aſſertion, that his Purges are of harmleſs *Daffy's Elixir*, and no Mercury —— which perhaps is the true reaſon why the poor Man *is ſo ſwell'd and tender, that he can't go up and down without much Pain, and occaſions his Purging ſo often now, and the Advice given him to purge much longer.*

But now, it ſeems, Mr. *South* makes ſlight of all this; and methinks I hear him ſaying, 'tis a Maxim 'not to play fair with an *Enemy*, and an *Enemy Whig* 'too, that ought to be hang'd without any *Jury* at all. 'Could that honeſt *Churchman* and *Soldier* for the King, 'Sir *Richard Greenvil*, ſummon before 'him a Man ſo *eminent as an Attorney* 'is by *Profeſſion*, and judg him himſelf, 'and without the ſneaking formality 'of a Jury, convict and hang him, for being the Con- 'ductor of his *Adverſary's* Cauſe: And ſhall my ſnive- 'ling *Defendant* think he is hard us'd by me that am 'an *Attorney*, for taking the trouble upon me, *in my* 'own

Ld Clarendon's *Hiſt.* Vol. 2. p. 516.

'*own Cauſe*, to prepare an *honeſt Jury* to try him? I 'wiſh he had quarrel'd with me in former Reigns!'

Ay, thoſe were bleſſed Days indeed! When ſuch as *South* calls *honeſt Churchmen* ſat upon the Bench; when the chief Magiſtrates of the Metropolis of *England*, as well as *Clerks*, could denounce *Vengeance* upon the *ſniveling* Whig, threaten to ſtop the Mouth, and fetter and *ſtake* the Priſoners that *preſum'd* to ſpeak for themſelves, declare they'd *ſlit the Noſe, and cut the Throat of a Juryman* for not complementing the Court with a Verdict, and affirm *'twou'd never be well till the Inquiſition was amongſt us.* Forgive me, Sir, if I repeat the Recorder's words:

'I never till now, *ſaid he*, under-
'ſtood the Reaſon of the Policy and
'Prudence of the *Spaniards*, in ſuf-
'fering the Inquiſition amongſt them; and certain-
'ly 'twill never be well with us, till ſomething like
'the *Spaniſh* Inquiſition is amongſt us in *England*.'

Trial of Penn *and* Mead *in the* Phenix, *p.* 319.

Well might the Court be inrag'd at ſo uncommon a Diſappointment of a Verdict to their Minds, ſince they look'd on the *Jury* as a piece of *Mechaniſm*, to be mov'd only by their Hand, and *point* juſt as it was ſet. This was ſo well known to the Chief Juſtice *Jefferies*, that he could not forbear telling *Baxter* upon his Trial, that *he would warrant for the Jury*; tho the better to make ſure of them, he would neither permit the Counſel to plead, or *Baxter* himſelf to ſpeak in his own Defence; but interrupting him, ſaid, *Richard, Richard, Doſt thou think we'll hear thee poiſon the Court? Thou art an old Man, an old Knave, but by the Grace of God I'll cruſh you all.*

Hiſt. of England, Vol. 3. p. 446.

The Dialect of that Judg was ſo inordinately ſcurrilous, and his Expreſſions grac'd with ſo many of the choiceſt ffowers of the Seminary of *Billingſgate*, that he was never yet equal'd in this happy way of ſpeaking, but by the *impeach'd Brother* you hint at, who as he matches him in Railing, outdoes him in

in his rooted Hatred, and pointed Malice to the Diſſenters. For the former (you ſee) was content with a temporal *cruſhing them*, but the latter will be ſatisfy'd with nothing leſs than *ſending them all to the Devil*; and yet ſuch as theſe are the *charitable Chriſtians*, and *good-natur'd Churchmen*, that are Idoliz'd and Hoſanna'd by the profane Vulgar for their loud *Cry of the Danger of the Church*, even while themſelves are endeavouring to ſap its Foundation, and make it, as of old, a Den of Thieves, a Sanctuary for all ſorts of Criminals, a Mask for horrid Injuſtice, and an Atonement for want of Religion it ſelf.

By the all-reſolving words, the *Church and ſtanch Churchmen*, Paradoxes and Abſurditys of every ſort are clear'd. The *Presbyters*, in the *Lower* Houſe of *Convocation*, may act in defence of *Epiſcopacy*, even while they make themſelves equal with the *Upper Houſe*; *Biſhops* are made *Presbyterians*, and pull down *Churches*, and Presbyterians demoliſh *Meeting-Houſes*: A Prelate may be ſuſpended by the Champions of the Church, for not ſilencing a Preacher againſt *Popery*; and the ſame Man may be cry'd up for acquitting a *ſeditious* Libeller of *Church* and *State* too. *Damning* the *Proteſtant Diſſenters* might be ſhown to agree with true *Charity*; an Attempt to aſſaſſinate the *Defender of the Faith*, with the propagation of it; Remiſſion of the impenitent *Aſſaſſins*, conſiſtent with the Doctrine of *Chriſt*; and a *Mungrel Union* of the *Engliſh* and *Gallican* Church, with the Purity of the Reform'd Religion. In ſhort, *Non-Reſiſtance* may ſhake hands with Rebellion, and Property be beſt preſerv'd by an uncontroulable Power to deſtroy it: ‖ two *Parallel Lines* may meet in a *Center*; and a Letter of this *length* written for the Church agree with *Brevity*.

Regale and Pontificate.

‖ Derby *Sermon.*

FINIS.